

ENTERED

May 13, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SABRINA NORMAN,

Plaintiff,

VS.

FUSION ACADEMY,

Defendant.

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CIVIL ACTION NO. H-19-355

ORDER

This case was removed based on diversity jurisdiction. (Docket Entry No. 1). Sabrina Norman has moved for leave to amend her state-court pleading, though the deadline for doing so has expired. (Docket Entry Nos. 8, 12, 13–14). She contends that there is good cause for the late filing because her counsel’s workload increased after his law partner was robbed and assaulted. (Docket Entry Nos. 12 at 2). Fusion Academy responded and opposed the motion, arguing that counsel’s workload and failure to calendar the due date is not good cause to amend, Norman’s claims are time barred, and the proposed amended complaint fails to state plausible claims. (Docket Entry No. 15).

Even assuming that Norman has demonstrated good cause for failing to timely move for leave to amend, her proposed amended complaint does not assert a legal claim or state the legal basis for the relief she seeks. The proposed amended complaint contains many allegations regarding workplace incidents, but it does not cite to any law or caselaw, identify the cause of action, or articulate how the allegations fit with the law. Without stating the legal basis for the relief sought, the proposed amended complaint does not provide “fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007)

(alteration and quotation omitted). Nor does the amended complaint address the problems of limitations and exhaustion. Granting leave to amend would be futile. *See N. Cypress Med. Ctr. Operating Co., Ltd. v. Aetna Life Ins. Co.*, 898 F.3d 461, 478 (5th Cir. 2018) (“[A]n amendment is futile if it would fail to survive a Rule 12(b)(6) motion.” (quotation omitted)).

Norman’s motion for leave to amend is denied, without prejudice. (Docket Entry No. 12). Norman may seek leave to amend the complaint and file a proposed amended complaint no later than **May 28, 2019**. There will be no further time extensions.

SIGNED on May 13, 2019, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lee H. Rosenthal
Chief United States District Judge